



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-AA

16 MAR 2000

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS

SUBJECT: Implementation of Section 215 of the Water Resources Development Act of 1999 – Shore Protection

1. The purpose of this memorandum is to provide implementation guidance on Section 215 of the Water Resources Development Act of 1999, Public Law 106-53, as amended by section 5 of Public Law 106-109.
2. Section 215(a) amends section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) to provide cost sharing for periodic nourishment measures as follows:
 - a. For a project authorized for construction after 31 December 1999, except for those projects where a District Engineer's Report has been completed and officially transmitted to higher authority for final approval by that date, the non-Federal cost of periodic nourishment shall be 40 percent if it is carried out after 1 January 2001; 45 percent if it is carried out after 1 January 2002; and 50 percent if it is carried out after 1 January 2003.
 - b. The cost sharing for initial construction and operation and maintenance activities have not been revised. The cost of periodic nourishment that benefits privately owned shores (where use of such shores is limited to private interests) or that prevent losses of private land remains a 100 percent non-Federal expense. The cost of periodic nourishment that benefits Federally owned shores remains a 100 percent Federal expense. Assignment of Federal costs will be consistent with current policy.
3. Section 215(b) amends section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)). Since the Outer Continental Shelf Lands Act is not a program of the Corps of Engineers, it is not the responsibility of the Corps to implement section 215(b). You should be aware, however, that this amendment exempts state and local government agencies, in addition to Federal agencies, from the assessment of fees for use of Outer Continental Shelf sand, gravel, and shell resources in a shore protection, beach restoration, or coastal wetlands project or program, or in any other construction project funded or authorized by the Federal Government.

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4. Section 215(b) also directs full reimbursement of any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under Section 8(k) of the Outer Continental Shelf Lands Act. The fees were assessed by the Minerals Management Services of the Department of the Interior and non-Federal reimbursement requests for amounts paid should be directed to that agency and not the Corps of Engineers.

5. Section 215(c) directs preparation of a report on the shores of the United States, and section 215(d) directs the establishment of a national coastal data bank. No work may be undertaken on these activities until funds are appropriated for these activities.



HANS A. VAN WINKLE
Major General, USA
Deputy Commander for
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